

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division



MASSIMILIANO PINCIONE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:11-cv-00367 (AJT/IDD)
	)	
DAVID DALE,	)	
	)	
Defendant.	)	
	)	
_____	)	
DAVID DALE, <u>et al.</u> ,	)	
	)	
Counterclaim Plaintiffs,	)	
	)	
v.	)	
	)	
MASSIMILIANO PINCIONE, <u>et al.</u> ,	)	
	)	
Counterclaim Defendants,	)	
_____	)	

**RULE 16(B) SCHEDULING ORDER**

Because the Proposed Joint Discovery Plan [14] adequately addresses the matters that would be discussed during the initial pretrial conference and counsel consent to waiving their appearances at the initial pretrial conference, the initial pretrial conference scheduled for June 1, 2011, pursuant to Rule 16(b) and the Court's May 2, 2011 Order, is cancelled. Upon consideration of the representations made by the parties in their Proposed Joint Discovery Plan [14], the Court makes the following rulings:

1. All discovery shall be completed by October 14, 2011.

2. **Disclosures under Fed. R. Civ. P. 26(a)(1) and (2), notices of depositions, interrogatories, requests for documents and admissions, and answers thereto shall not be filed except on order of the court, or for use in a motion or at trial.**

3. The Proposed Joint Discovery Plan [14] filed by the parties is approved and shall control discovery to the extent of its application unless further modified by the Court.

4. All Fed. R. Civ. P. 26(a)(1) disclosures shall be completed by June 15, 2011.

5. Any motion to amend the pleadings or to join a party shall be made as soon as possible after counsel or the party becomes aware of the grounds for the motion.

6. Expert disclosures shall be governed by the schedule set forth in paragraph four (4) of the Proposed Joint Discovery Plan [14].

7. To the extent either party intends to assert a claim of privilege or protection as trial preparation material, any such claim must be made in a timely manner and in accordance with Fed. R. Civ. P. 26(b)(5).

8. Filings under seal are disfavored and discouraged. *See Va. Dep't of State Police v. Washington Post*, 386 F.3d 567, 575-76 (4th Cir. 2004). Any motion to file a document under seal, including a motion for entry of a protective order containing provisions for filing documents under seal, must comply with Local Civil Rule 5 and must be noticed for a hearing in open court. The motion must state sufficient facts supporting the action sought, and each proposed order must include specific findings.

9. A paper copy of any non-dispositive motion and all papers relating to the motion shall be **delivered directly to the chambers of the undersigned magistrate judge** upon filing. *See* ECF Policies and Procedures, Alexandria Courtesy Copy Information.


10. All motions, except for summary judgment, shall be noticed for a hearing on the earliest possible Friday before the final pretrial conference. **Non-dispositive motions must be electronically filed by 5:00 p.m. on the Friday before the Friday for which noticed, with responses due not later than 5:00 p.m. on the Wednesday before the hearing.** Any reply should be filed as early as possible on Thursday. Dispositive motions and motions for patent claim construction shall be filed and briefed on the schedule set forth in Local Civil Rule 7(F)(1), which read together with Fed. R. Civ. P. 6(d) requires that an electronically filed motion be filed twenty-one (21) days prior to the hearing date. All discovery motions must contain a statement that counsel for the parties have made a good-faith effort to narrow areas of disagreement in accordance with Local Civil Rule 7(E) and Local Civil Rule 37(E).

11. All Fed. R. Civ. P. 12 issues shall be raised in one pleading unless leave of court is first obtained. All summary judgment issues shall be presented in the same pleading unless leave of court is first obtained.

12. All motions must adhere to the page limits set in Local Civil Rule 7(F)(3). No pleading shall be in type less than ten (10) pitch or twelve (12) point.

13. In the event this case is tried before a jury, each party shall file their proposed jury instructions and voir dire five (5) business days prior to trial in accordance with Local Civil Rule 51. Violation of this Rule will constitute a waiver of objections to any instructions given. In the event the case is tried without a jury, counsel shall file written proposed findings of fact and conclusions of law prior to the beginning of trial.

Entered this 1st day of June 2011.

 /s/ \_\_\_\_\_  
Ivan D. Davis  
United States Magistrate Judge

Alexandria, Virginia